

1. Considered March 14, 1957
2. Name of Applicant T. H. Neuhauer # 345-3
3. Post Office Address Albany, South Dakota
4. Amount of water claimed 2.85
5. Source of water supply ground water
6. Water to be used for irrigation
- Acres to be irrigated 200
7. Water to be diverted and used in Turner County about
2 miles N of Hurley.
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved ✓
Subject to Rec. of Pl. of Pub.
Not Approved _____
Action deferred _____
10. Remarks:

Pending on Feb 4, 1957

RECEIVED
NOV 23 1956
10:00 A.M.No. 245-3Water Division No. 3

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant T. H. Neuhauser
Postoffice address Hurley, County Turner, State S. Dak.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Employment of others(b) Cash on hand, \$10,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$100,000.002. Name of diversion work T. H. Neuhauser Diversion Work # 13. Amount of water claimed 2.85 cubic feet per second4. Source of water supply Well5. Location of point of diversion 11/2 mi. S. of Hurley on Turner bank Turner County.6. Annual period or periods during which water is to be used March through November

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 200 acres.& in the S.E. 1/4 S.W. 1/4 Sec. 15 Twp. 98 R. 53 Turner Co. S. Dak.(b) Legal subdivisions to be irrigated 40 Acres W. of R.R. Tracks S22.15 Twp

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Name any of the above uses claimed(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 262-3

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

I. Nature of work: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet; Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....3.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....Hurley Leader.....
Hurley, S. Dak.

STATE OF SOUTH DAKOTA
County of Turner.....} ss.

I, T. H. Neuhauser....., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed T. H. Neuhauser.....

Subscribed and sworn to before me this 24th.....day of November.....1956.

Notary Public (or other qualified officer.)

North

quarter line

quarter-quarter line

quarter-quarter line

quarter-quarter line

center of section line

center of section line

East

South

Irrigation Well #1

S.W. 1/4 of Section 15
Township 98-Range 53
To be irrigated.
T. H. Neuhauser, Owner
Total acres to be irrigated, 200.

All the land west of
C.N.W.R.R. in west 1/2 of
the S.E. 1/4 of Section 15
Township 98-Range 53
40 Acres to be irrigated.
T. H. Neuhauser, Owner

C.N.W. Railroad

N 41° 30' E
1672'

5-
22

T. H. Neuhauser Irrigation Project # 1
S.W. ¼ of Section 15th that part of the
West ½ lying west of C.N.W. ¼, Section
15th in the S.E. ¼ of Section 15th All in
Township 98 - Range 53, Turner County,
South Dakota.

I, Elvis V. Nelson, a licensed engineer, hereby certify that I have made a survey of the S.W. 1/4 of Section 15 and that part of the west 1/2 of the S.E. 1/4 lying west of the C.M.W.Ry. Section 15, Township 98, Range 53, Turner County, South Dakota and located irrigation well # 2 as indicated on the above plat.

Dated at Sioux Falls, South Dakota. December 14, 1951

Edwin D. Melson
Licensed Engineer

State of South Dakota } ss
County of Minnehaha

On this 14th day of December, 1956, before me the undersigned officer, personally appeared Ellis V. Nelson known to me or satisfactorily proven to be the person whose name is subscribed to the within certificate and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

George A. Sharr
Notary Public

Ellis W. Nelson, Civil Engineer
Sioux Falls, S. Dakota. Dec. 56

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 6, 1956

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock

11 a.m. upon the 26 day of November, 1956

State Water Resources Commission

By:

John Brinner

Chief Engineer, Executive Officer

Number of permit 345-3

Date of first receipt of application

November 26, 1956

Date of return to applicant for correction, amendments or changes required as follows:

December 6, 1956

Date of receipt of corrected application

December 20, 1956

Date from which applicant may claim right

November 26, 1956

Approved

March 12, 1957

Recorded in Book

4

Page

63

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

September 12, 1959

2nd. The whole of said work is to be completed on or before

March 12, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

March 12, 1965

4th. The water appropriated shall be used for the purpose of

irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.85 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventh of one cubic foot of water per second of time for each acre of land to which water is actually

and is called for irrigation on or before March 12, 1965; said water to be used during the described annual period:

March to November inclusive

Witness my hand this

27

day of

April

1957

State Water Resources Commission

By:

John Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 29, 1970

Water License Issued

OCTOBER 29, 1970

Form 2A — Wells (Supplement to Form 2)

Estimate

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 45'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 20" Thickness of casing 14 Gauge

Length of casing 45' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Slotted

Size of perforated screen 20" 21'
(diameter) (length)

Thickness of gravel pack 5" length of gravel pack 25'

(c) Water Bearing Materials

Distance to water 6' Character of water bearing materials Coarse sand & Gravel

Thickness of water bearing material 39'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller size 8"

Kind of motor L.P. Gas
(gasoline, electric, diesel, etc.)

Horsepower 94 Name of Motor Minneapolis-Moline

(e) Complete well

Capacity 1500 at drawdown of 10' Estimated cost 1000.00

(f) Owner of land upon which well is located T.H. Neuhauser
Name

..... Hurley, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 100 rods. On property owned by others 240 rods

WATER LICENSE NO. ... 345-3

(1) WHEREAS, On the 26th day of November A. D. 19 56
T. H. Neuhauer
 made Water Right Application No. 345-3 for a permit to use 2.85 cubic feet per second of the waters
 of ground water
 County of Turner, State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 27th day of April A. D. 19 57
 Permit No. 345-3, with a date of priority of November 26, 1956
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 12th day of March A. D. 19 62 and for the
 application to beneficial use of said water on or before the 12th day of March A. D. 19 65

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 2.23 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 15, T98N, R53W

SW $\frac{1}{4}$ 160 acres

W $\frac{1}{2}$ SE $\frac{1}{4}$ 40 acres

Total 200 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to T.H. Neuhauser

_____ of Hurley, S.D.
the holder _____ and owner _____ of said permit No. 345-3 a water right, dating from November 26, 1956
_____ to use of 2.23 cubic feet per second of the waters
of ground water

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1672 feet North 47° 30' East of the SW Corner,
Section 15, T98N, R53W

and conduct to and upon the SW 1/4 AND W 1/4 SE 1/4, Section 15, T98N, R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 345-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of October A. D.
Nineteen hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 345-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That T.H. Neuhauer

_____ the holder _____ of
Permit No. 345-3, issued upon Application No. 345-3, bearing date of priority of November 26,
1956 authorizing the diversion of 2.85 cu. ft. per second of the waters of _____
ground water County of Turner, State of South Dakota at _____
a point 1072 feet North 47° 30' East of the SW Corner, Section 15, T98N, R53W
_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.23 cu. ft. per second of water.

Date October 29, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

No. 345-3

(First Publication before February 8 1957.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 7, 1957.

Notice is hereby given that T. H. Neuhauer whose postoffice address is Hurley S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.85 cubic feet of water per second of time from ground water through the T. H. Neuhauer Diversion the point of diversion of which is to be located near Work No. 1

~~SECTION~~ In the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 Twp. 98N Range 53W Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ and part of the W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 15, T 98N, R 53W

~~SECTION~~

~~SECTION~~ This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957, at 2:00P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes,

Chief Engineer, Executive Officer

cc: Publisher

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Turner } ss.L. D. Hofmeister being duly sworn, deposes and says the annexed printed copy of Notice

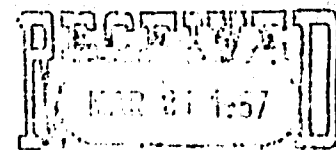
of Intention to Appropriate Water was taken from the _____

Hurley Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Hurley County of Turner and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Thurs., 17 Jan. 1957Thurs., 24 Jan. 1957Thurs., 31 Jan. 1957Thurs., 7 Feb. 1957in each and every issue of the full number thereof, the first publication being made on the 17 day of Jan1957 and the last publication on the 7 day ofFeb. 1957, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was owner the printer and publisher of the said newspaper.L D HofmeisterSubscribed and sworn to before me this 7 day of February A. D. 1957Ernest B. BuehlNotary Public Turner County, S. D.STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTAAPPROPRIATION OF WATER
Office of State Water Resources
Commission,

Pierre, S. Dak., January 7, 1957

Notice is hereby given that T. N. Neuhauer whose postoffice address is Hurley, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.85 cubic feet of water per second of time from ground water through the T. O. Neuhauer Diversion Work No. 1, the point of diversion of which is to be located in the SW 1/4 of the SW 1/4 of Section 15, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 and part of the NW 1/4 SE 1/4, Sec. 15, T 98N, R 53W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented. State Water Resources Commission

By: J. W. Grimes, Chief Engineer
Executive Officer

(Jan. 17-24-37 Feb. 7)

Permit No. 345-3
 Water Division 3 VERMILLION RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by T.H. Neuhauser
Hurley, S.D. holder
 of Permit No. 345-3, bearing date of priority of March 26, 1956
 authorizing the diversion of 2.85 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Turrer County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Well 40 feet deep cased with 18 inch diameter concrete casing
 Western Land Roller pump
 U.S. Electrical Motor - 60 HP - Type OFV

B. Works used to transport water to place of use,

1/2 mile of 5 and 6 inch aluminum pipe

C. Works used to apply water to beneficial use.

Vermeer portable boom, Mod. 140

The system is in the following condition: good
 The point of diversion is located 1672 feet N. 47° 30 E. of the SW Corner of Section 15,
T98N, R53W

The works are capable of diverting and conveying to the place of use 2.23
irrigation
 cu. ft. per second of water which is to be used for

Water has been put to beneficial use to the maximum extent as follows:
SW 1/4, Section 15, T98N, R53W 160 acres

All land west of C.N.W. R.R. in W 1/2
of SE 1/4 of Section 15, T98N, R53W 40 acres

comprising a total of 200 acres of land.

Date October 20, 1970

Donald Driscoll
 (Signature)
 DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission

345-
4560

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Ted H. Neuhauser

Hurley, SD 57036

Dear Mr. Neuhauser:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

345-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

TED H NEUHAUER
BOX 175
HURLEY SD 57036

NOTICE

RE: Violation of Water Permit No(s) 345-3, 4560-3 & 5650-3 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 345-3, 4560-3 & 5650-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 345-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4560-3 & 5650-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4560-3 & 5650-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 345-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



345-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 23, 1994

345-3
4560-3
5650-3

Ted H Neuhauer
Box 175
Hurley, SD 57036

Dear Mr. Neuhauer:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 345-3, 4560-3 & 5650-3 and 1993 Irrigation Questionnaire Requirements and also the Notice of Failure to Report Chemical Use under Water Permit No. 4560-3.

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

345-3

File No. 345-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Ted Neuhauser

ADDRESS: Box 175 Hurley, SD 57036 COUNTY: Turner

DATE: 6/3/93

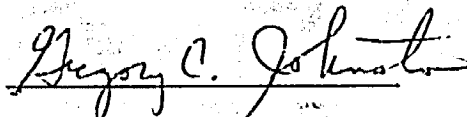
TELEPHONE: 238-5742

RE: Changing acres covered under Water License No. 345-3

COMMENTS:

When inspecting Water Permit, No. 4560-3, I discovered that 40 acres located in the W1/2 SW1/4 of Section 15-T98N-R53W SA originally covered under Water Permit No. 345-3 are being irrigated by the irrigation system covered under No. 4560-3. The well and system under No. 345-3 do not supply water to these acres anymore.

Water License No. 345-3 should have the 40 acres located in the W1/2 SW1/4 of Section 15 removed from the License. No. 345-3 appropriates 2.23 cfs for 200 acres. The License ought to read 2.23 cfs for 160 acres. The rate of diversion doesn't need to be changed because 2.28 cfs are allowed to be diverted for irrigation of 160 acres (based on 1 cfs for 70 acres) and 2.23 is less than the 2.28 allowed.



Gregory C. Johnston

Natural Resources Engineer II

DENR, Water Rights Division

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 345-3

(1) Ted H Neuhauser of Box 175, Hurley, SD 57036 was issued Water License No. 345-3, October 29, 1970 for a water right to appropriate 2.23 cubic feet of water per second (cfs) from groundwater (one well), Turner County, South Dakota for irrigation purposes. Water License No. 345-3, with a priority date of November 26, 1956 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

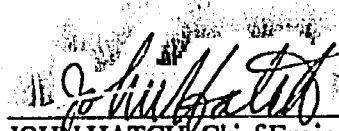
The original water license issued for No. 345-3 authorized diversion of 2.23 cfs from one well to irrigate 200 acres located in the SW 1/4 and the W 1/2 SE 1/4 Section 15, T98N, R53W. A 1993 inspection of the water use system found the 40 acres authorized in the W 1/2 SE 1/4 Section 15 was no longer being irrigated from the well described in No. 345-3. The well and system described in Water Right No. 4560-3 are used to irrigate this acreage.

Water License No. 345-3 is being reissued to reflect what is actually being irrigated with the well and system described under No. 345-3. The diversion rate of 2.23 cfs will not be reduced since the 160 acres remaining under this license is still within the statutory limit of 1 cfs for every 70 acres irrigated.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.23 cubic feet of water per second for beneficial use. The location of the diversion point is a point 1672 feet N47°30' East of the SW corner of Section 15, T98N, R53W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate 160 acres located in the SW 1/4 Section 15, T98N, R53W.

(4) Pursuant to South Dakota Water Law 46-5-30.1, Ted H Neuhauser of Box 175, Hurley, SD 57036 the holder and/or owner of Water Right No. 345-3 is issued a license to appropriate water, the right to use 2.23 cubic feet of water per second from groundwater (one well) with a priority date of November 26, 1956 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 345-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 5 1995

date



SEP 5 1995

345-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

345-3

Ted H Neuhauser
Box 175
Hurley, SD 57036

Dear Mr. Neuhauser:

Enclosed is your Reissued Water License No. 345-3. The water license has been reissued to reflect what is actually irrigated. A 1993 inspection of your water use system found that a portion of the land was no longer being irrigated under No. 345-3 and was solely irrigated by the water use system authorized by Water Right No. 4560-3.

If you have any questions concerning the reissued license, please contact Genny McMath at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program

enclosure



345-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 13, 1998

345-3
4560-3

Duane Haase
28740 452nd Ave
Parker, SD 57053

Dear Mr. Haase:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 345-3 and 4560-3. I have included copies of the water rights for your records.

Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions concerning the enclosed copies or with completion of the transfer forms, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



345-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 20, 1998

SECOND NOTICE

Permit Nos. 345-3

4560-3

Duane Haase
28740 452nd Ave.
Parker, SD 57053

Dear Mr. Haase:

On March 13, 1998, notice was sent to you concerning the transfer of Water Right Nos. 345-3 and 4560-3 in the name of Ted Neuhauser (estate). To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer (\$5.00 total). The Water Rights can then be transferred to your name. If you are not the present owner of the land covered under these Water Rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Cheryl Frost, (605) 773-3352.

Very truly yours,

RON DUVAL

Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

345-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

345-3
45-0-3

4a. Article Number

7119 141 530

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Miriam Haase*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



345-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

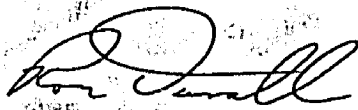
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: TED H NEUHAUER (ESTATE), JOHN OVERBY, PO BOX 308, HURLEY, SD 57036 0308

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program



SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4560-3 & 5650-3, 345-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 345-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4560-3 & 5650-3 questionnaires.

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4560-3 & 5650-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 345-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



3115-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 9, 1999

345-3
4560-3
5650-3
5818-3

Duane Haase
27840 452nd Ave
Parker, SD 57053

Dear Mr. Haase:

Thank you for your telephone call of February 8th. During your phone conversation with Ken Buhler, you requested additional irrigation questionnaires and transfer forms.

Enclosed are the following:

- Transfer of ownership forms for Water Right Nos. 345-3, 4560-3 & 5650-3
- 1998 Irrigation Questionnaires for Water Right Nos. 345-3, 4560-3, 5650-3 (Ted Neuhauer Estate) & 5818-3 (Steve Horning)
- 1998 Chemical Reporting forms for Water Right Nos. 4560-3 & 5650-3

Please review the transfer forms and complete as needed. Upon completion, please sign them in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

With regard to the irrigation questionnaires and chemical reporting forms, please complete those and return them no later than March 1, 1999.

If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

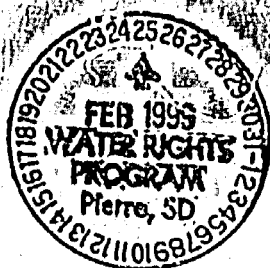
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 345-3

Date: 2-23-99



I/We request that Water Right No. 345-3

formerly owned by: Ted Neuhauer Estate

be transferred to: (name & address)

Shane Hoare 27840 452nd Ave
Parker S.D. 57053 Telephone No. 605-297-4125

Title to the following described land(s)/property has been transferred as described above:

160 acres in the SW 1/4 Section 15, T98N, R53W

I/We understand that the validity of Water Right No. 345-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Turner)

I/We Shane Hoare being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Shane Hoare
(Signed)

Subscribed and sworn to before me this 23rd day of February, 1999.

[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, _____

N^o 416052

February 25, 1999

RECEIVED OF Duane House, 27840 452nd Ave., Parker, SSD 57053
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____ Water Right No. 345-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John H. Hickey



345-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

www.state.sd.us/denr

February 26, 1999

345-3
4560-3
5650-3
5818-3

Duane Haase
27840 452nd Ave
Parker, SD 57053

Dear Mr. Haase:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Right/Permit Nos. 345-3, 4560-3 and 5818-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We also have received the transfer forms you submitted for transferring Water Right Nos. 345-3 and 4560-3, formerly owned by Ted Neuhauser. The transfers have been completed and the water rights are now listed in your name. Enclosed are your Receipt Nos. 416052 and 416053 in the amounts of \$2.50 each.

Previously, I forwarded you an irrigation questionnaire and a transfer form for Water Right No. 5650-3, also listed in the name of Ted Neuhauser. I spoke with Mrs. Haase yesterday and she indicated you did not own the land described in Water Right No. 5650-3. She indicated you were going to give the transfer form and questionnaire to the new owner. Thank you in advance for your assistance.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

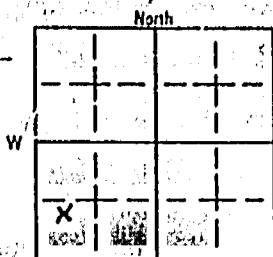
345-3

Location SW 1/4 SW 15 Twp 98 Rg 53

County

Turner

Please mark well location with an "X"



Well Completion Date

7/10/98

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Boring Machine

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	NOLE DIAMETER
LB/FT	<u>16"</u> IN	<u>0</u> FT	<u>47'</u> FT	<u>30"</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16" IN Length 20' FEETMaterial PLASTICSlot Size 0.05 Set From 27' Feet To 47' Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Duane HaaseAddress 27840 282nd Ave. Parker SD

Well log

Depth

Formation

From

To

<u>Topsoil</u>	<u>0'</u>	<u>3'</u>
<u>Clay + gravel</u>	<u>3'</u>	<u>5'</u>
<u>water bearing</u>		
<u>sand + gravel</u>	<u>5'</u>	<u>47'</u>

STATIC WATER LEVEL 5 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumpedno test☐ Bailed

Describe: _____

☐ Other

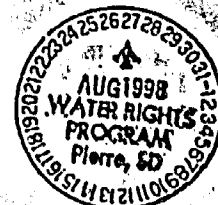
Pumping Level Below Land Surface

_____ ft. Alter _____ Hrs. pumped _____ GPM

_____ ft. Alter _____ Hrs. pumped _____ GPM

_____ ft. Alter _____ Hrs. pumped _____ GPM

REMARKS:

Replacement well for 345-3.This well was drilled under license # 478

And this report is true and accurate.

Drilling firm Reiners Well Drilling

Signature of License Representative:

Don Reiners

Signature of Well Owner:

Duane Haase

Date _____



345-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 30, 2006

345-3
4560-3

Duane Haase
PO Box 306
Parker SD 57053-0306

Dear Mr. Haase:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to 27840 452nd Ave, Parker SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

I Dustin Haase are farming these four
well permits in the next year - so send
me the permits.

Dustin Haase
27521 449 Ave
Parker, SD 57053

297-4190

RECEIVED

DEC - 4 2006

WATER RIGHTS
PROGRAM



345-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: DUSTIN HAASE, OPERATOR, 27521 449TH AVE, PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 345-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4560-3 & 5818-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4560-3 & 5818-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 345-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

c: DUANE HAASE, PO BOX 306, PARKER SD 57053-0306

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2009

Dustin Haase
27521 449th Ave
Parker SD 57053

RE: 2008 Irrigation Questionnaires for Water Right Nos. 345-3, 4560-3, 4562-3 & 5818-3

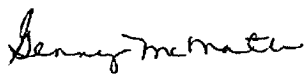
Dear Mr. Haase:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 345-3, 4560-3, 4562-3 & 5818-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Duane Haase
Lawrence Strawbridge